

1 Harvey M. Moore, #101128
 2 Bidna & Keys, APLC
 3 5120 Campus Drive
 4 Newport Beach, CA 92660
 5 Tel: (949) 752-7030
 6 Fax: (949) 752-8770

7
 8 Attorneys for DFS Services LLC
 9 incorrectly named in the complaint as
 10 Discover Card Services, Inc.

11
 12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA

14 JAMES M. KINDER,

15 Plaintiff,

16 vs.

17 NATIONWIDE RECOVERY
 18 SYSTEMS, LTD.,

19 Defendant.

20 Case No. 07-CV-2132-DMS(AJB)

21 **NOTICE OF NON-OPPOSITION
 22 TO MOTION FOR
 23 CONSOLIDATION OF ACTIONS**

24 Date: February 8, 2008

25 Time: 1:30 p.m.

26 Place: Courtroom 10

27 DFS Services LLC, incorrectly named as as Discover Card Services, Inc.

28 (“Discover”), the defendant in Case No. 07 CV 2138 WQH (BLM), captioned

29 James M. Kinder v. Discover Card Services, Inc., hereby states that it does not

30 oppose to the Motion for Consolidation of Actions filed by Nationwide Recovery

31 Systems, Ltd., in the above captioned matter.

32 Dated: January 2, 2007

33 *Bidna & Keys, APLC*

34 By: *Harvey M. Moore*

35 Attorneys for DFS Services LLC

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California. I am over the age of 18 and not
4 a party to the within action; my business address is 5120 Campus Drive, Newport Beach, CA
5 92660.

6 On January 2, 2008, I served the foregoing document described as: **NOTICE OF NON-**
7 **OPPOSITION TO MOTION FOR CONSOLIDATION OF ACTIONS** by
8 placing the original X a true copy thereof enclosed in sealed envelopes addressed as
follows:

9 Chad Austin, Esq.
10 3129 India Street
11 San Diego, CA 92103
12 Tel: (619) 297-8888
Fax: (619) 295-1401
Counsel for Plaintiff

13 BY MAIL

14 [X] As follows: I am "readily familiar" with the firm's practice of practice of collection and
15 processing correspondence for mailing. Under that practice it would be deposited with
16 U.S. postal service on that same day with postage thereon fully prepaid at Newport
17 Beach, California in the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if postal cancellation date or postage meter date
is more than one day after date of deposit for mailing in affidavit.

18 [] (VIA FACSIMILE) I caused the above-referenced document to be delivered via facsimile to
19 the above-referenced facsimile numbers

20 [] (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the
21 addressee.

22 [] (VIA OVERNIGHT DELIVERY) As follows: I am "readily familiar" with the firm's practice
23 of practice of collection and processing documents for overnight delivery.

24 I declare under penalty of perjury under the laws of the United States of America that the
above is true and correct.

25 Executed on January 2, 2008, at Newport Beach, California

27 _____
28 /s/ Harvey M. Moore
Harvey M. Moore

PROOF OF SERVICE